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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,586	02/09/2001	Toshiro Hayakawa	Q61222	6818
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SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC			EXAMINER	
2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3202		HARMON, CECIL B		
			ART UNIT	PAPER NUMBER
			2881	
			DATE MAILED: 12/19/2001	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.								
Examiner			Application No.	Applicant(s)				
Cecil B, Harmon 2881			09/779,586	HAYAKAWA, TOSHIRO				
Preiod for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE g MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Editable of time may be available used the provisions of 3 CFR 1.18(s). In or event, however, may a raply be timely flied uther SX (6) AGCNTHS from the mailing date of this communication, may be subjected to the size of the provision of Claim(S) 1.18 (s) and the provision of Claim(S) 1.18 (s) and the provision of Claim(S) 1.18 (s) are subjected to by the Examiner. 4) Claim(S) 1.28 (s) are a subject to restriction and/or election requirement. 4) Claim(S) 1.28 (s) are a subject to the structure of the provision of Claim(S) 1.20 (s) are subjected to by the Examiner. 4) Claim(S) 1.28 (s) are a subject to the structure of the provision of Claim(S) 1.28 (s) are a subject to restriction and/or election requirement. 4) Claim(S) 1.28 (s) are a subject to the structure of the provision of Claim(S) 1.28 (s) are a subject to restriction and/or election requirement. 4) Claim(S) 1.28 (s) are subject to the structure of the provision of Claim(S) 1.28 (s) are subject to restriction and/or election requirement. 4) Claim(S) 1.28 (s) are subject to the structure of the provision of Claim(S) 1.28 (s) are subject to the structure of the provision of Claim(S) 1.28 (s) are subject to the structure of the provision of Claim(S) 1.28 (s) are subject to the structure of the provision of Claim(S) 1.28 (s) are subject to the structure of the provision of Claim(S) 1.29 (s) are subject to the structure of the provision of Claim(S) 1.29 (s) are subject to the structure of the provision of Claim(S) 1.29 (s) are subject to the structure of the provision of Claim(S) 1.29 (s) are subject to the structure of the provision of Claim(S) 1.29 (s) are subject to the structure of the provision of Claim(S) 1.29 (s) are subject to the s			Examiner	Art Unit				
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THE MAILING DATE OF THIS COMMUNICATION. Extensions of them may be available under the provision of 37 CFR 1.136(a). In no ovent, however, may a reply be limely filled after 5X (6) MONTHS from the mailing date of this communication. If the period to reply verifies to make the maintaining of the provision of the								
2a) This action is FINAL. 2b)⊠ This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-8 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-8 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to by the Examiner. 10) The proposed grawing correction and/or election requirement. Application Papers 9) The proposed drawing correction filed on is/are: a) cacepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is/approved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some or None of: 1. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 							
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DETAILED ACTION

Acknowledgement is made of the receipt of the priority document and the Information Disclosure Statement (IDS) on 03 April 2001.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

- 2. Claims 1-3, and 4-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Feld et al. [US6266357B1]
- 3. In regards to claim 1, Feld disclose a laser apparatus Fig. 3 which comprises a semiconductor laser element 34 which emit first laser light 32 and a first wavelength 36; a surface emitting semiconductor element 34 which is excited by the first laser light 32 emit a second laser light 33; a second wavelength 34 that is longer then the first 36; an active layer 34 a first mirror 32 arranged on one side of the active layer 34; a second mirror 33 is arranged outside the surface-emitting semiconductor element 34 so that the first and second mirrors 32 and 33 form a resonator 34 in which the second laser light 33 resonates; a modulator unit 30 which modulates the surface-emitting semiconductor element 34.

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- 4. In regards to claim 2 Feld et al. disclose in **Fig. 3** that the surface-emitting semiconductor element **34** has a pn-junction **35 and 36**, and the modulation unit **30** modulates the surface-emitting semiconductor element **34** by varying the applied voltage to the pn-junction **35 and 36**.
- 5. In regards to cliam 3 Feld et al. disclose in Fig. 3, that the surface-emitting semiconductor element 34 has junction, 36 and 35 and the modulation unit 30 which modulates the surface-emitting semiconductor element 34 by varying the applied voltage to the Schottky pn-junction 35 and 36.
- 6. In regards to claim 4, Feld et al. disclose in **Fig. 3** that the surface-emitting semiconductor element **34** comprises a structure **35** for controlling a spatial mode of the second laser light **33**.
- 7. In regards to claim 5, Feld et al disclose in Fig 3, that the structure has a pinhole Fig. 2, 24 spatial filter being arranged at a light-exit end surface 33 of the surface-emitting semiconductor element 34 having a pinhole, Fig. 2, 24 and allowing passage of the second laser light 33 emitted by the surface-emitting semiconductor element 34 through only the pinhole Fig. 2, 24.

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- 8. In regards to claim 6, Feld et al disclose in **Fig. 3** that the first mirror **32** has a limited area arranged in parallel with a light exit -end surface **33** of the surface-emitting semiconductor element **34**.
- 9. In regards to claim 7, Feld disclose in Fig. 3, that the active layer **34** of the semiconductor apparatus **Fig. 3** is formed in only a limited area in a plane parallel to a light-exit end surface of the surface-emitting semiconductor element **34** which makes up the structure.
- 10. In regards to claim 8, Feld et al. disclose in **Fig. 2** that the structure **20** has a size which is, 0.1 to 10 times as large as a diameter to which the second laser light spreads to a position of the structure **20** for controlling the spatial mode of the second laser light. **See col. 4,lines 19-61.**

Conclusion

- 11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cecil B. Harmon whose telephone number is 703-306-0247. The examiner can normally be reached on 8am-4pm.
- 12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dzierzynski can be reached on 703-308-4822. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-0956 for After Final communications.

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13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

CBH

December 16, 2001

James W. Davie Primary Examiner